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Plenary

Record of the Twelfth Meeting

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President: Ms MACMILLAN (New Zealand)

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¹ GC(53)/24.

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Abbreviations used in this record:

NPT	Treaty on the Non-Proliferation of Nuclear Weapons
TCF	Technical Cooperation Fund

– **Oral report by the Chairman of the Committee of the Whole**

1. Mr SMITH, Chairman of the Committee of the Whole, presented the outcome of the Committee's deliberations on agenda items 10, 11, 13, 14, 15, 16, 17, 18, 19, 23, 25 and 26.
2. Under item 10, "The Agency's Accounts for 2008", the Committee recommended that the Conference adopt the draft resolution set out on page i of document GC(53)/4.
3. Under item 11, "The Agency's Programme and Budget 2010–2011", the Committee recommended that the Conference approve a Regular Budget appropriation for 2010 of €318 388 709 and accordingly adopt draft resolution A, Regular Budget Appropriations for 2010, as set out in document GC(53)/5; that it approve a target for voluntary contributions to the TCF for 2010 of US \$85 000 000 and accordingly adopt draft resolution B, Technical Cooperation Fund Allocation for 2010 as set out in document GC(53)/5 and Corr.1; and that it approve a level for the Working Capital Fund in 2010 of €15 210 000 and accordingly adopt draft resolution C, The Working Capital Fund in 2010, as set out in document GC(53)/5.
4. Under item 13, "Amendment to Article XIV.A of the Statute", the Committee recommended that the Conference adopt the decision set out in document GC(53)/28.
5. Under item 14, "Scale of assessment of Members' contributions towards the Regular Budget", the Committee recommended that the Conference adopt the draft resolution set out on page 3 of document GC(53)/17.
6. Under item 15, "Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety", the Committee recommended that the Conference adopt the draft resolution contained in document GC(53)/L.3.
7. Under item 16, "Nuclear security — measures to protect against nuclear terrorism", the Committee had reached agreement on the draft resolution contained in document GC(53)/COM.5/L.8/Rev.5.
8. Under item 17, "Strengthening of the Agency's technical cooperation activities", the Committee recommended that the Conference adopt the draft resolution contained in document GC(53)/COM.5/L.16/Rev.3.
9. Under item 18, "Strengthening the Agency's activities related to nuclear science, technology and applications", the Committee recommended that the Conference adopt draft resolutions A, Non-power nuclear applications, and B, Nuclear Power Applications, contained in document GC(53)/L.5.
10. Under item 19, "Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol", there was broad agreement on the draft resolution contained in document GC(53)/COM.5/L.2/Rev.1, with the exception of one operative paragraph on which some delegations had expressed reservations.
11. Under item 23, "Amendment to Article VI of the Statute", the Committee recommended that the Conference adopt the decision set out in document GC(53)/32.

12. Under item 25, “Election to the Agency’s Staff Pension Committee”, the Committee recommended that Ms El Abdaoui of Morocco be elected as an alternate member on the Agency’s Staff Pension Committee.

13. Under item 26, “Personnel”, the Committee recommended that the Conference adopt draft resolutions A, Staffing of the Agency’s Secretariat, and B, Women in the Secretariat, contained in document GC(53)/L.6.

14. He expressed his gratitude and appreciation for the confidence that had been placed in him by electing him to undertake that important task. He also thanked the Vice-Chairman, Ambassador Ismayilov of Azerbaijan, who had conducted most ably one of the Committee’s meetings, Mr Casterton from the delegation of Canada for his tireless efforts to achieve agreement on one important item, the members of the Committee for their cooperative spirit, and the staff of the Secretariat and all those who had assisted with the Committee’s work.

The Agency’s Accounts for 2008 (agenda item 10)

15. As recommended by the Committee of the Whole, the draft resolution set out on page i of document GC(53)/4 was adopted.

The Agency’s Programme and Budget 2010–2011 (agenda item 11)

16. As recommended by the Committee of the Whole, draft resolutions A, B and C set out in document GC(53)/5 and Corr.1 were adopted.

Amendment to Article XIV.A of the Statute (agenda item 13)

17. As recommended by the Committee of the Whole, the decision set out in document GC(53)/28 was adopted.

Scale of assessment of Members’ contributions towards the Regular Budget (agenda item 14)

18. As recommended by the Committee of the Whole, the draft resolution set out on page 3 of document GC(53)/17 was adopted.

Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety (agenda item 15)

19. As recommended by the Committee of the Whole, the draft resolution contained in document GC(53)/L.3 was adopted.

Nuclear security — measures to protect against nuclear terrorism (agenda item 16)

20. As recommended by the Committee of the Whole, the draft resolution contained in document GC(53)/COM.5/L.8/Rev.5 was adopted.

Strengthening of the Agency’s technical cooperation activities (agenda item 17)

21. As recommended by the Committee of the Whole, the draft resolution contained in document GC(53)/COM.5/L.16/Rev.3 was adopted.

Strengthening the Agency’s activities related to nuclear science, technology and applications (agenda item 18)

22. As recommended by the Committee of the Whole, draft resolutions A and B contained in document GC(53)/L.5 were adopted.

Amendment to Article VI of the Statute (agenda item 23)

23. As recommended by the Committee of the Whole, the decision set out in document GC(53)/32 was adopted.

Elections to the Agency's Staff Pension Committee (agenda item 25)

24. As recommended by the Committee of the Whole, Ms El Abdaoui of Morocco was elected as an alternate member on the Agency's Staff Pension Committee.

Personnel (agenda item 26)

25. As recommended by the Committee of the Whole, draft resolutions A and B contained in document GC(53)/L.6 were adopted.

Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (agenda item 19)

26. Mr KUMAR (India) said that, as a founder member of the Agency, his country had consistently supported the organization's activities conducted within the framework of its Statute. India attached great importance to the Agency's safeguards activities, in particular, and had contributed to strengthening the effectiveness and improving the efficiency of the safeguards system, including through its active participation in the Advisory Committee on Safeguards and Verification within the Framework of the IAEA Statute and in the informal working group on the future of the Agency.

27. His country had hoped that the draft resolution on the agenda item in question could be adopted by consensus and he found it regrettable that his country's suggestion to remove a basic inconsistency in operative paragraph 3 of the text had not been followed in the version before the General Conference. Until 2000, there had consistently been consensus on the General Conference resolutions on safeguards. However, in 2001 that consensus had been broken when a new operative paragraph had been added urging all Member States to bring into force comprehensive safeguards agreements. Regrettably, that paragraph, which was untenable as it overlooked other types of safeguards agreements, had continued to appear in successive draft resolutions on safeguards. Noting that the signing of safeguards agreements was a sovereign decision by States, he said that India had no option but to request a vote on operative paragraph 3 of the draft resolution contained in document GC(53)/COM.5/L.2/Rev.1.

28. The PRESIDENT invited the Conference to vote on operative paragraph 3 of the draft resolution by show of hands.

29. There were 90 votes in favour and 2 against, with 2 abstentions. The paragraph was adopted.

30. Mr EL-KHOURY (Lebanon), speaking on behalf of the Arab Group, requested a roll-call vote on the draft resolution as a whole.

31. Nicaragua, having been drawn by lot by the President, was called upon to vote first.

32. The result of the vote was as follows:

In favour: Albania, Angola, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kazakhstan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Mongolia,

Montenegro, Myanmar, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Bolivarian Republic of Venezuela, Zambia, Zimbabwe.

Abstaining: Algeria, Bahrain, Egypt, India, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Morocco, Nicaragua, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, Yemen.

33. There were 80 votes in favour and none against, with 18 abstentions. The draft resolution was adopted.

34. Mr ANWAR (Pakistan), speaking in explanation of vote, said that Pakistan supported all activities of the Agency in every area of the organization's responsibility, in accordance with the provisions of the Statute. Its support for Agency safeguards manifested itself in the fulfilment of all its safeguards obligations and in its cooperation with the Agency in that regard. The commitment of Pakistan to Agency safeguards was anchored in its firm belief that the role of safeguards was to facilitate cooperation in the peaceful use of nuclear energy without discrimination based on political or strategic considerations.

35. His delegation had been constrained to vote against operative paragraph 3 of the draft resolution owing to the failure of the sponsors to make that paragraph consistent with the letter and spirit of the Statute. The latter took into account the differentiated nature of the safeguards obligations of Member States and did not prescribe a particular safeguards model as the only standard for Agency verification. It was thus more generous and inclusive. In calling for the universalization of a particular safeguards model, adherence to which was not a legal obligation of all Member States, the draft resolution contradicted the Statute.

36. His delegation's vote was a reflection of Pakistan's commitment to upholding the Agency's Statute in every respect. Pakistan would continue to support the Agency's verification activities in a manner consistent with the framework laid down in the Statute.

37. Mr SOLTANIEH (Islamic Republic of Iran), speaking in explanation of vote, said that his delegation had voted in favour of the resolution as it showed some improvements compared with the resolution adopted the preceding year. He had also wished to demonstrate his country's support for the safeguards regime, provided that it did not jeopardize the national security of any country. However, his delegation had had reservations about certain paragraphs, and some suggestions to improve the effectiveness and efficiency of the safeguards system which had not been reflected in the final draft. He expressed the hope that his country's constructive suggestions would be taken into consideration before the next session of the General Conference with a view to producing a more balanced text the following year.

38. Mr EL-KHOURY (Lebanon), speaking on behalf of the Arab Group, said that the Member States of the Arab Group which had abstained in the roll-call vote had done so not because they did not support the Agency's safeguards system, but because they called for the universalization of the NPT and the Agency's safeguards regime, which should apply to all States without exception. The Arab States in question were all party to the NPT and had concluded comprehensive safeguards agreements with the Agency, and they all complied fully with their legal obligations. Their commitment to the Agency's work was also amply demonstrated by their support for previous General

Conference resolutions on Israeli nuclear capabilities and for the establishment of a nuclear-weapon-free zone in the Middle East.

28. Report on contributions pledged to the Technical Cooperation Fund for 2010

39. The PRESIDENT said that document GC(53)/23/Rev.4 contained details of the pledges of contributions to the Technical Cooperation Fund for 2010 which Governments had made to the Director General by 8 p.m. on 17 September 2009. By that time, Member States had pledged a total of \$9 008 135, or 10.60% of the target for 2010. That figure was 37% lower than the percentage of pledges received by the corresponding time in the preceding year. Since that document had been sent for printing, further Member States had communicated pledges to the Director General, as follows: Cameroon — \$7650; Chile — \$131 750; China — \$2 183 650; Democratic Republic of the Congo — \$2550; Luxembourg — \$69 700; Monaco — \$2550; United Arab Emirates — \$247 350. That brought the total amount pledged to \$11 653 335, or 13.71% of the 2010 Technical Cooperation Fund target. She urged all delegations which had not yet done so to make their 2010 pledges and to pay their contributions in full at the earliest opportunity so that the Secretariat could submit to the Technical Assistance and Cooperation Committee in November a proposed 2010 technical cooperation programme based on the level of pledges received, and thereafter implement the approved programme without hindrance or uncertainty.

— Closing of the session

40. The PRESIDENT said that the current session of the General Conference had been well attended by high-level representatives of Member States, including two Vice-Presidents, two Deputy Prime Ministers, 25 Ministers, two Ministers of State and one First Lady. During the general debate, 110 speakers had taken the floor.

41. She paid tribute to the professionalism, competence, impartiality and vision of the outgoing Director General, Dr ElBaradei, who had expanded the Agency's unique role in enhancing the contribution of nuclear energy to the peace and welfare of humanity, and under whose leadership the Agency had been awarded the Nobel Peace Prize. She also congratulated Dr ElBaradei's successor, Mr Amano, a seasoned diplomat with outstanding professional experience, who would take up his post on 1 December 2009, and she wished him a very successful tenure. Finally, she paid tribute to Mr Papadimitropoulos of the Greek delegation who was attending his 50th General Conference.

42. Mr GHISI (Italy) paid tribute to the professionalism and diplomacy with which the President had conducted the work of the General Conference. Her meticulous preparations had begun well before the session. She had brought a rare feminine touch to the proceedings, showing patience, serenity and understanding, and a smiling determination to reconcile conflicting views.

43. The PRESIDENT expressed her gratitude for the kind words addressed to her on behalf of the Conference. It had been an honour and privilege for her and her country to be elected to serve as President of the General Conference during its 53rd session.

44. She thanked all delegates for their cooperation, which had allowed the problems encountered during the conduct of business to be dealt with.

45. On behalf of the Conference, she thanked the Director General and his staff for the valuable support they had provided during the session, the Austrian authorities which had provided the permanent conference facilities which the General Conference had used that year for the first time, and the city of Vienna for its hospitality during the past week.

46. She expressed her good wishes on the occasion of the Jewish New Year festival of Rosh Hashanah and the Muslim festival of Eid al-Fitr.

47. Finally, in accordance with Rule 48 of the Rules of Procedure of the General Conference, she invited the Conference to observe one minute of silence dedicated to prayer or meditation.

All present rose and stood in silence for one minute.

48. The PRESIDENT declared the fifty-third regular session of the General Conference closed.

The meeting rose at 12.50 a.m.